

No. 2:06-CR-15-1-BO

Oct - 4 2010

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
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HENDERSON HINTON

ORDER

Discussion

The defendant's motion to recuse is without merit. Under 28 U.S.C. § 455(a), there must be a reasonable factual basis for doubting the judge's impartiality before disqualification is

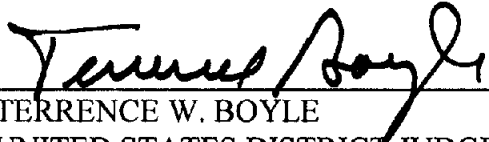
required. Rice v. McKenzie, 581 F.2d 1114, 116(4th Cir. 1978). In addition, the alleged bias must derive from an extrajudicial source and not from matters the judge learned from his participation in the case. In re Beard, 811 F.2d 818, 827 (4th Cir. 1987).

Here, the defendant failed to allege an extrajudicial source of bias that would warrant disqualification.

CONCLUSION

For the reason set-forth above, the defendant's Motion to Recuse is DENIED.

SO ORDERED, this 3 day of ^{October}~~September~~, 2010.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE